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Dated: April 18, 2006

Signature:

Michael J. Doherty
(Michael J. Doherty)

Docket No.: SPINE 3.0-446
CONT
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ralph et al.

Application No. 10/715,969

Filed: November 18, 2003

For: INTERVERTEBRAL SPACER DEVICE
HAVING ARCH SHAPED SPRING
ELEMENTS

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: Group Art Unit: 3738
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: Examiner: J. G. Blanco
:
:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

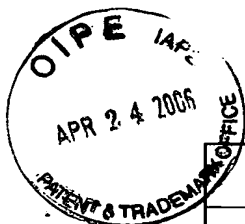
PRELIMINARY AMENDMENT

Dear Sir:

Preliminary to initiation of the prosecution of the above-identified pending U.S. patent application, the following amendments and remarks are respectfully submitted.

04/25/2006 HDESTA1 00000019 121095 10715969

02 FC:1202 100.00 DA



AMENDMENT TRANSMITTAL LETTER

Docket No.
SPINE 3.0-446 CONT

Application No.
10/715,969-Conf. #5368

Filing Date
November 18, 2003

Examiner
J. G. Blanco

Art Unit
3738

Applicant(s): James D. Ralph, Stephen Tatar, and Joseph P. Errico

Invention: INTERVERTEBRAL SPACER DEVICE HAVING ARCH SHAPED SPRING ELEMENTS

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED | | | | | |
|--|----------------------------------|--------------------------------|-----------------------------|---------|--------|
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate | |
| Total Claims | 23 | - 21 = | 2 | x 50.00 | 100.00 |
| Independent Claims | 3 | - 3 = | 0 | x | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | |
| Other fee (please specify): | | | | | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | | 100.00 |

☒ Large Entity

☐ Small Entity

☐ No additional fee is required for this amendment.

☒ Please charge Deposit Account No. 12-1095 in the amount of \$ 100.00.
A duplicate copy of this sheet is enclosed.

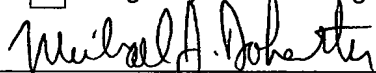
☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095 as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.



Dated: April 18, 2006

Michael J. Doherty
Attorney/Agent Reg. No.: 40,592

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